

2. The name of the insurer, if known, or insurance producer, that he or she is representing; and

3. The nature of the relationship between the insurance producer and the insurer or insurance producer being represented.

(b) In addition to (a)1 through 3 above, an insurance producer shall maintain his or her license at the business address on file with the Department and shall display the license to an insured or prospective insured upon their request.

11:17A-2.7 Unfair discrimination

No insurance producer or limited insurance representative shall refuse to take an application from a policyholder or prospective policyholder for any reason based in whole or in part upon the race, color, creed, religion, sex, marital status or physical impairments of an applicant or policyholder, or for any arbitrary, capricious, or unfairly discriminatory reason, or for any reason which is contrary to Federal or State law. Nothing in this section shall prohibit an insurance producer from refusing to submit an application to an insurer where there exists a contractual arrangement with an insurer to perform underwriting pursuant to established and legally permissible written underwriting guidelines and the refusal is based on these guidelines.

11:17A-2.8 "Twisting" prohibited

No insurance producer or limited insurance representative shall make any misleading representations or incomplete or fraudulent comparison of any insurance policies or annuity contracts or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, or convert any insurance policy or annuity contract, or to take out a policy of insurance or annuity contract with another insurer.

11:17A-2.9 Notice to purchasers of self-storage personal property insurance

(a) Limited insurance representatives that market self-storage personal property insurance as defined in N.J.A.C. 11:17-1.2 shall provide potential purchasers with written notice:

1. That the renter's or lessee's homeowner's, renter's or business insurance policy may provide coverage for the loss or damage to property located on the self-storage premises and that the purchase of such insurance is not required under the lease terms between the self-storage facility and the renter or lessee; and

2. That the coverage may be cancelled within 30 days and a full refund made to the purchaser upon written notice to either the limited insurance representative or the insurer.

New Rule, R.1997 d.278, effective July 7, 1997.
See: 28 N.J.R. 4707(a), 29 N.J.R. 2853(a).

Former section recodified to N.J.A.C. 11:17A-2.10.

11:17A-2.10 Penalty

(a) The Commissioner shall impose penalties for violations of this subchapter in accordance with the provisions of N.J.S.A. 17B:30-1 et seq., 17:29B-1 et seq. and N.J.S.A. 17:22A-1 et seq.

(b) For the purpose of determining the existence of a violation and assessing a penalty under this subchapter, a separate violation shall be deemed to exist and a separate penalty therefore shall be assessed for each violation of the provisions of this subchapter.

Recodified from 11:17A-2.9 by R.1997 d.278, effective July 7, 1997.
See: 28 N.J.R. 4707(a), 29 N.J.R. 2853(a).
Former section recodified to N.J.A.C. 11:17A-2.11

11:17A-2.11 Severability

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the remainder of the subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Recodified from 11:17A-2.10 by R.1997 d.278, effective July 7, 1997.
See: 28 N.J.R. 4707(a), 29 N.J.R. 2853(a).

SUBCHAPTER 3. INCORPORATION OF OTHER PROVISIONS OF THE NEW JERSEY ADMINISTRATIVE CODE APPLICABLE TO INSURANCE PRODUCERS AND LIMITED INSURANCE REPRESENTATIVES

11:17A-3.1 Incorporation of other rules

(a) The following rules are herein incorporated by reference to the extent that they regulate the conduct of insurance producers and limited insurance representatives:

1. N.J.A.C. 11:2-12, concerning mass marketing of property and liability insurance;
2. N.J.A.C. 11:4-11, concerning life insurance solicitation;
3. N.J.A.C. 11:4-17, concerning health insurance solicitation;
4. N.J.A.C. 11:4-2, concerning life insurance replacement;
5. N.J.A.C. 11:2-11 and 11:2-23, concerning life and health insurance advertising; and
6. N.J.A.C. 11:2-17, concerning unfair claims settlement practices.

**SUBCHAPTER 4. MISCELLANEOUS
MARKETING AND RELATED
REQUIREMENTS**

11:17A-4.1 Agent and broker authorized to collect premiums

(a) Premium monies collected by an insurance producer acting as an insurance agent shall be deemed to be received by the insurer by whom the agent is authorized to act whether or not the agent actually remits the monies to the insurer.

(b) Premium monies collected by an insurance producer acting as an insurance broker shall be deemed to be received by the insurer in accordance with the provisions of N.J.S.A. 17:22-6.2a.

11:17A-4.2 Insurance producer to witness signature of insured

In cases where an applicant's signature is required, an insurance producer who takes an application for insurance shall be required to witness the signature of the prospective insured on the application prior to the submission of the application to the insurer. This requirement may be waived, however, upon prior written authorization by the insurer.

Amended by R.1995 d.60, effective February 6, 1995.
See: 26 N.J.R. 4307(a), 27 N.J.R. 562(a).

11:17A-4.3 Confirmation of underwriting information

(a) Every insurance producer shall, within 10 days after the effectuation of an insurance transaction made through an insurance producer which modifies the terms of an existing insurance contract or the terms of an application for insurance, notify a policyholder or applicant, in writing, of all information submitted to the insurance producer by the policyholder or applicant pertinent to the modification, including confirmation that the insurance producer has sent the information to the insurer.

1. The requirement in (a) above shall apply to all insurance policies, certificates, binders and endorsements.

2. The requirement in (a) above shall not apply when the request for such modification is required to be submitted by the policyholder or applicant to the insurance producer in writing.

Amended by R.1995 d.60, effective February 6, 1995.
See: 26 N.J.R. 4307(a), 27 N.J.R. 562(a).

11:17A-4.4 Special underwriting associations

(a) Every insurance producer who solicits, negotiates or effects contracts of insurance for the placement of risks in any residual market mechanism created by or pursuant to any statute shall conduct his or her business in accordance with the applicable plan of operation.

(b) For the purpose of this section, "solicit", "negotiate" or "effect" shall have the same meanings as provided by N.J.A.C. 11:17A-1.2.

Amended by R.1995 d.60, effective February 6, 1995.
See: 26 N.J.R. 4307(a), 27 N.J.R. 562(a).

11:17A-4.5 Disclosure of personal or privileged information

No insurance producer or limited insurance representative shall disclose personal or privileged information about an individual collected or received in connection with an insurance transaction except in conformity with N.J.S.A. 17:23A-1 et seq.

11:17A-4.6 Delivery of policies

Policies, certificates, or other evidence of insurance which are received by an insurance producer or limited insurance representative from an insurer for delivery to an insured shall be delivered or mailed to the insured by the insurance producer or limited insurance representative within 10 calendar days of their receipt by the insurance producer or limited insurance representative, unless the insured agrees in writing that the insurance producer or limited insurance representative may retain them for a longer period of time. With respect to title insurance only, in all cases where the insurance producer prepares the policies of insurance, those policies shall be delivered to the insured or to the applicant within 30 days following the receipt by the insurance producer of the necessary proofs showing that all requirements or exceptions to title as set forth in the title commitment, and which customarily do not appear in the policy, have been satisfactorily disposed of.

Amended by R.1993 d.199, effective May 3, 1993.
See: 25 N.J.R. 446(a), 25 N.J.R. 1878(a).

Added special requirements for delivery of policies for title insurance.

11:17A-4.7 Receipts for materials

An insurance producer or limited insurance representative who takes possession of an insured's or a potential insured's insurance policies, certificates, or other documents pertaining to existing or pending insurance, shall provide to the insured a written receipt for those materials at the time the insurance producer or limited insurance representative receives the materials. The receipt shall contain an itemized list of the materials received, the insurance producer's or limited insurance representative's name and the address and telephone number of the agency or other place where the insurance producer or limited insurance representative can be contacted. The receipt shall be dated and signed by the insurance producer or limited insurance representative and the insured.

11:17A-4.8 Replies to inquiries by Commissioner

An insurance producer or limited insurance representative shall reply, in writing, to any inquiry of the Department relative to the business of insurance within the time requested in said inquiry, or no later than 15 calendar days from the date the inquiry was made or mailed in cases where no response time is given.

11:17A-4.9 Reporting of claims by property-casualty agents

Claims and estimated losses thereon shall be reported to the insurer by an insurance producer acting as a property-casualty insurance agent no later than five business days following his receipt of notice of claim, unless the insurance producer has contractual authority from the insurer to settle the claim.

11:17A-4.10 Fiduciary capacity

An insurance producer acts in a fiduciary capacity in the conduct of his or her insurance business.

11:17A-4.11 Penalties

(a) The Commissioner shall impose penalties for violations of this subchapter in accordance with the provisions of N.J.S.A. 17:22A-1 et seq. and any other applicable law.

(b) For the purpose of determining the existence of a violation and assessing a penalty under this subchapter, a separate violation shall be deemed to exist, and a separate penalty therefor shall be assessed, for each violation of the provisions of this subchapter.

11:17A-4.12 Severability

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the remainder of the subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.